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United States District Court for the Northern District of Mississippi

UNITED STATES DISTRICT COURT Northern District of Mississippi	
Ronnie Montgomery, Plaintiff	
vs.	Case# <u>3:20cv299-MPM-JMV</u>
United States of America; Micheal Williams (Official & personal capacity); Monica Shelton (Official & personal capacity); Ashley Harkins (Official & personal capacity); A. B. Adams (Official & personal capacity); Defendants	Jury Requested

## CAUSE OF ACTION

This employment discrimination lawsuit is brought under:

- (x) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin.
- ( ) Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, et seq., for employment discrimination on the basis of age. My year of birth is: (1965).
- (x) Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.
- (x) Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq., for employment discrimination on the basis of a disability.
- (x) Occupational Safety Health Administration of 1970, as amended 29 U.S.C. §§ 660(c) for whistleblower protection from discharge or retaliation for filing a complaint or exercised any other rights provided by the statute.
- ( ) Family Medical Leave Act of 1993, as amended, Public Law 103-3
- ( ) Wounded Warrior Leave Act
- (x) Privacy Act
- ( ) National Labor Relation Act
- ( ) USERRA

This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

## STATEMENT OF CLAIM

CLAIM	DATE (S) OF OCCURRENCE	PLACE OF OCCURRENCE
( ) failure to hire me		
( ) termination of my employment/non-work status/enforced leave	08/21/2019 01/13/2020	Southaven, MS
( ) failure to promote me		
( ) failure to accommodate my disability		
(x) terms and conditions of my employment differ from those of similar employees	08/21/2019 01/13/2020	Southaven, MS
(x) retaliation	08/21/2019	Southaven, MS

	01/13/2020	
(x) harassment	08/21/2019 01/13/2020	Southaven, MS
(x) other: Failure to maintain safe & hostile work environment	08/21/2019 01/13/2020	Southaven, MS
() other:		
() other:		
() other:		
() other:		

The conduct of Defendant(s) was discriminatory because it was based on (check only those that apply):

(x) race (x) color () religion (x) sex () national origin (x) disability () age (year of birth: 1965)

### FACTS

1. The defendant (US Postal Service , 7550 Airways Blvd., Southaven, MS 38671) retaliation for union activities by placing the plaintiff in a non-work status for filing grievances and complaining about hostile working conditions that created unsafe conditions that could lead to serious injury or death.
2. Retaliation by the placement on enforced leave by requesting reasonable accommodation in order to refuse to work or avoid unsafe working conditions that would cause undue work-relate stress that lead to prevent to serious injury or death due pre-existing conditions.
3. Retaliation by the placement on enforced leave by denying reasonable accommodation in order to prohibit the abatement of unsafe or hostile working conditions that can cause or lead to serious injury or death created by undue work-related stress by the abuse of authority.
4. Retaliation and failure to providing assistance for reporting an on the job injury.
5. Placed on forced leave without the right to have access to the grievance procedures due to employment discrimination for a disability.
6. Denied due process due to employment discrimination related to disability discrimination.
7. Willfully and unlawfully continued to release restricted medical information to non-medical authorities without my knowledge or consent or the protection provided by the Privacy Act but not not limited to HIPPA.
8. Postmaster Micheal Williams, Latorian Clark and Kashif Woods has released restricted medical information without redaction to non-medical authorities.
9. The plaintiff has pending appeals before the EEOC and subject to be amended to this claim, if necessary upon adjudication
10. The plaintiff has pending appeal before the NLRB and subject to be amended to this claim, if necessary upon adjudication.
11. The plaintiff has an pending appeal before the Merit System Protection Board for the following and subject to be amended to this claim, if necessary upon adjudication:
  1. FML Violations
  2. USERRA Violations
  3. Mixed Case Employment Discrimination

### ADMINISTRATIVE PROCEDURES

Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal or state agency?

(x) Yes (*You must attach a copy of the charge to this complaint.*)

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (*You must attach a copy of the Notice of the Right to Sue.*)

☐ No

#### RELIEF

The relief I want the court to order is (check only those that apply):

☐ Direct the defendant to hire the plaintiff

☐ Direct the defendant to re-employ the plaintiff

☐ Direct the defendant to promote the plaintiff.

☐ Direct the defendant to reasonably accommodate the plaintiff's religion

☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities

☒ Direct the defendant to (*specify*): To award front pay as a benefit of employment per Article 6 and punitive damages without reinstatement for reprisal for being a whistleblower.

☒ Direct the defendant to (*specify*): Compensation over \$10,000 for privacy violations

☒ Direct the defendant to (*specify*): Compensation over \$10,000 for privacy violations by individuals

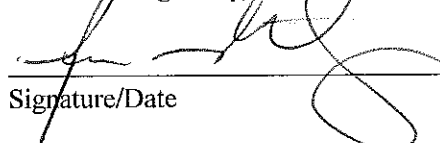
☒ Direct the defendant to (*specify*): Compensation over \$250,000 for reprisal and personal injury by individuals

#### CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;(2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Ronnie Montgomery, Plaintiff's, Pro-Se

 11-12-2020  
\_\_\_\_\_  
Signature/Date